

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – DECEMBER 19, 2007 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER (27 E. Frontage Road)
(Please Silence All Electronic Devices)

1. CALL TO ORDER.

Mayor Calkins called the Meeting to order at 6:30 P.M. All Councilors were present with the exception of Councilor Hill.

Also present were Mr. Marcus Rael, Town Attorney, Mr. Jeff Condrey, Administrator Clerk-Treasurer, Ms. Karen Mahalick, Manager Community Planning & Development and Ms. Estefanie Muller, Deputy Clerk.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Simmons made a motion to approve the Agenda as presented. Councilor Felton seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

4. APPROVAL OF PREVIOUS MINUTES.

A. Regular Council Meeting Minutes of December 5, 2007.

B. Special Council Meeting Minutes of December 11, 2007.

MOTION: Councilor Felton made a motion to approve the Minutes as presented. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

5. CONSENT AGENDA.

C. Acknowledgement of the Planning & Zoning Commission/Council Meeting Workshop Minutes of December 3, 2007.

D. Acknowledgement of the Parks & Recreation Advisory Committee Meeting Minutes of November 8, 2007.

E. Acknowledgement of the Parks & Recreation Report for the months of October/November, 2007.

F. Acknowledgement of the Animal Control Report for the month of November, 2007.

MOTION: Councilor Felton made a motion to approve the Consent Agenda as presented. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

6. PUBLIC HEARINGS. (Limit to 3 minutes per person)

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick affirmed the posting requirement was met.

These cases are being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte contacts:

Councilor Simmons stated she had no conflict of interest or ex-parte contacts.
Councilor Felton stated he had no conflict of interest or ex-parte contacts.
Councilor Ring stated he had no conflict of interest or ex-parte contacts.

G. Appeal of Pueblo Artesanos subdivision final plat phase one.

At this time those wishing to speak were sworn in.

Ms. Karen Kilgore, lawyer for the Rory Road lot owners who are appealing the preliminary approval of the subdivision plat. She reviewed a hand-out folder and discussed a 2004 plat and a letter from the title company. Upon discussion by the Town Attorney and Ms. Kilgore, a meeting will be held to further discuss the easement, plat and where the Town stands on this issue. Councilor Ring discussed the plat in the hand-out and the lot lines platted and increasing the easements without infringing on the rights of the property owners. Ms. Kilgore stated it is not so much the increase of footage as much as the change in the road going from a private access to a public access. Mr. Rael stated the 2004 plat has tract 3 included. He also stated the property lines end before the easement and was granted to the 4 lot owners but the easement is not an ownership interest but an access interest. Mr. Rael referred to the 1995 plat on record that originally created these lots.

MOTION: Councilor Simmons made a motion to table this item based on further study between the Attorneys. Councilor Ring seconded the motion.

Mr. John Jacquez, agent for the owners, was sworn in at this time. He stated the design was changed to have a cul-de-sac that was reviewed by the Fire Marshall who had an issue in that he felt it was not in the best interest of the health, safety and welfare to end two roads ten feet apart. Initially this was to appease the owners and work with them with the cul-de-sac to prevent the subdivision using the easements for access. There was not a turn around at the end of this cul-de-sac.

Ms. Karen Mahalick stated for correction, there is a 1995 plat, which shows the cul-de-sac was to be vacated upon further development.

Ms. Karen Kilgore discussed the process on proper notice that addressed easements or cul-de-sacs and her clients were not notified.

Ms. Peggy Conger was sworn in at this time and stated she lives at #2 Rory Road. She stated Rory Road used as a private road, there is another access by Calle Viernes Road

built by the same developers and expressed a safety concern as Rory Road is an unsafe option for all the traffic. The road is 21 ½ feet wide at this time.

Ms. Mahalick stated for the record the subdivision requirements require notifying the land owners for final action on the preliminary, a pre-application was sent. A neighborhood notice was sent as well as the property was noticed on Rory Road. Copies of letters sent out on August 22nd, March 16th, October 10th, and Public Notice Ads in the local newspaper for April 2nd all in 2007 notifying the public of the 58 acre lot creation of this 70 acre area. Ms. Mahalick also had newspaper ads for the Public Notice from August 29th and September 4th of the Phase I final action for the Planning & Zoning Commission. Every attempt is made to send letters to the land owners, return receipts are kept and the preliminary requires one notification sent. The Town has done their best to notify owners.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

Legislative Procedure: Certification that Public Notice of this of this Meeting has been posted as required:

Noted: _____

(Note: This item is a continuation from the Council Meeting of 12-5-07)

H. Land Use Assumptions Relating to Possible Adoption of Impact Fees.

Ms. Mahalick stated Councilor Hill requested the consultant be contacted on what if the market changes, and referred to the memo from them.

MOTION: Councilor Felton made a motion to table this item until Councilor Hill is present. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

7. MATTERS FROM THE MUNICIPAL JUDGE.

None.

8. STATE POLICE REPORT – Sgt. Florian Chavez.

Sgt. Chavez was not present.

9. MATTERS FROM THE MAYOR.

Mayor Calkins discussed the Park & Ride becoming available in January and encouraged participation so that this will succeed.

Mayor Calkins stated the Town's lobbyist was present. Ms. Claudette Chavez stated she is looking forward to the legislative session which will begin in January. The Town's I.C.I.P., priority list and soccer fields were discussed. Ms. Chavez stated she feels funding capacity will be less this year than last year. Discussed were the Town's current infrastructure projects and what the Town would offer as a good faith approach.

10. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

I. Hiring Procedure for New Positions for Town Hall Staff.

Councilor Felton stated this was discussed with Mr. Condrey previously. He stated the Governing Body approves positions and directing the Staff to solicit applications for positions. He agrees having a Public Works Director is vital and a good time to move on it. Without discussion with Council first, this gives a single person on Staff or a committee which can be headed up with someone who has nothing to do with the Governing Body or residency in the Town can obligate such as the Public Works position with benefits up to \$100,000. This was put in a job posting, applicants interviewed, then make an offer to someone and then come back to Council for approval for this hire and the budget adjustment that is needed and feels this process is backwards. He stated his feelings on who is hired is not the issue but who is obligating the money and in what amount. He asked the other Councilors on their feelings on this subject. Councilor Ring stated he agreed the Administrator would make the recommendation on new hires, either through the Mayor or on his own, pending what Council decides. Councilor Ring stated there was a presentation on November 7th on the need for the Public Works position and feels being notified with the responsibilities, salary range and allowing Council to know in advance, they take action, before the position is advertised. Councilor Felton stated it seems the position is offered and then comes to Council for approval, at which point makes it hard to say no if Council did not have information before hand to vote on. In looking at the pay plan from Mr. Yermal, some of the job descriptions have approval dates which were all the same the same Wednesday in 2005 except for the Police Chief which was in August 2007 on a Saturday. Councilor Simmons agreed in the need to follow a procedure as done in the past and see the pay grades in advance, approve them and then advertise. She would like to see this rectified and get back on track.

At this time Councilor Simmons made a disclosure in that she made an offer on the paving project on Frost Road and owns land adjacent to the project and would allow them to park their equipment on her property at no compensation to them. Hopefully improvements will be made around the mailboxes for the public.

11. MATTERS FROM THE ATTORNEY.

Mr. Rael stated he had received a call from Ms. Kilgore today.

Mr. Rael stated he had received an amended version of the Police Chief contract back to Mr. Condrey this week as well some answers on the section line road issue.

Mr. Rael is also working on the Regional Animal Control Intergovernmental agreement.

12. MATTERS FROM THE ADMINISTRATOR.

FINANCE AND ADMINISTRATION.

J. Approval of Town Bills for the month of November, 2007.

MOTION: Councilor Felton made a motion to approve the Town Bills for the month of November, 2007. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

K. Approval of the Financial Report for the month of November, 2007.

Mr. Condrey presented information on the status of the gross receipt tax received year to date and projected a \$1.2 million receipt by the end of the fiscal year.

MOTION: Councilor Felton made a motion to approve the Financial Report for the month of November, 2007. Councilor Ring seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

L. New Mexico Retiree Health Care Authority Participation.

Mr. Condrey stated in review of participating, a buy-in would be required based on employees and their families and the company who will provide the service will not exceed \$10,000. Councilor Ring stated the Town needs to proceed and become members and with the police department coming in, this is needed.

ANIMAL CONTROL – PROPOSED ORDINANCE – Officer Victoria Murphy.

M. Animal Care & Control Ordinance – Draft of Proposed changes.

Ms. Murphy introduced Mr. Mike Ring, Animal Control Officer and complemented his support and the transition went very well given his experience.

Ms. Murphy reviewed possible changes with the Council on the Animal Ordinance which included adding definitions; she discussed the need for a Wild Animal Permit and also asked for direction on the number of animals the Town would allow per household on dogs and cats. Also discussed were the number of livestock that may need to be addressed.

A Public Hearing will be held at the Council Meeting of January 23, 2008.

COMMUNITY PLANNING & DEVELOPMENT.

N. Comprehensive Plan – Mr. Joe Quintana. (Hand-Out)

Mr. Quintana was not present due to illness. Ms. Mahalick reviewed a draft of the Comprehensive Plan asked for Council to look at this, and present this for Public Hearing adoption with any corrections from them. The Public Hearing will be in January 2008.

O. Impact Fee and JPA Revenues & Expenditure Summary.

Ms. Mahalick reviewed the hand-out from Santa Fe County reflecting the impact fees. The total amount is \$1,376,239.00 in revenue and expenditures. Mr. Condrey will follow up on abating the ¼ % gross receipts tax being paid to them.

P. Road Maintenance for Morper Road.

Ms. Mahalick reviewed information and the Planning Commission reviewed and given the substandard condition of the road they recommend the Council not accept maintenance of this road. Mayor Calkins has driven this road and it has large rocks sticking out of it and feels this road will require a lot of work. Ms. Mahalick stated the residents on Senova Road are in the Town and some of the residents on Morper Road refused to come into the Town and they do not want the maintenance on their road.

MOTION: Councilor Felton made a motion to accept Morper Road for road

maintenance. Councilor Ring seconded the motion.
VOTE: Councilor Simmons voted nay. Councilor Felton voted nay. Councilor Ring voted nay. The motion did not pass.

ROAD COMMITTEE.

Q. Road Committee Chairman will update the Council.

Mr. Condrey explained to the Council in creation of the Public Works committee in November 2007, would replace the road committee, the recruitment of a Public Works Director is going on now. Councilor Ring asked which next 2 roads will be listed for improvements. Ms. Mahalick stated Mr. Henninger recommends these roads in order to request for funding. This needs to be submitted by the first of 2008.

13. RESOLUTIONS.

R. Resolution No. 2007-38 Open Meetings Resolution.

MOTION: Councilor Ring made a motion to approve Resolution No. 2007-38. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

S. Resolution No. 2007-39 Holiday Schedule.

MOTION: Councilor Felton made a motion to approve Resolution No. 2007-39. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

T. Resolution No. 2007-40 Amendment for MAP Project 7549(900).

MOTION: Councilor Felton made a motion to approve Resolution No. 2007-40. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

U. Resolution No. 2007-41 Amendment for NMDOT SP-05-07(028), CN HW287880.

MOTION: Councilor Simmons made a motion to approve Resolution No. 2007-41. Councilor Felton seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

14. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

V. Regular Council Meeting – January 9, 2008.

W. Regular Council Meeting – January 23, 2007.

The Councilor discussed a Special Council Meeting to review the mid-year budget. This meeting would have Mr. Paul Cassidy, Town Financial Advisor present and adopt the 2007 Pay Plan. A proposed date of January 16th at 6:00 P.M.

Note: The Town Hall Offices will be closed Monday, December 24, beginning at Noon and all day Tuesday, December 25, 2007 for Christmas Day.

Note: The Town Hall Offices will be closed on Tuesday, January 1, 2008 for New Year's Day.

15. PUBLIC COMMENTS. (Limit to 2 minutes per person).

16. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the Meeting. Councilor Felton seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

Mayor Calkins adjourned the Meeting at 8:17 P.M.

Mayor's Quote for this Meeting:

Courtesy is the shortest distance between two people.

Abigail Van Buren

APPROVED AND ADOPTED THIS 9TH DAY OF JANUARY, 2008.

Honorable Howard Calkins, Mayor

ATTEST:

Jeff Condrey, Administrator Clerk-Treasurer